



# City of El Cajon

## Planning Commission Agenda

Tuesday, May 2, 2023 Meeting

7:00 PM

DARRIN MROZ, Chair  
REBECCA POLLACK-RUDE, Vice Chair  
PAUL CIRCO  
SHANNON EDISON  
ANTHONY SOTTILE

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA, 92020

Please note that, pursuant to State and County Health Orders, in-person meetings have resumed. The public is welcome to attend and participate.

The meeting will be live-streamed through the City website at: <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>.

To submit written comments on an item on this agenda, or a Public Comment, please e-mail the comments with Planning Commission in the subject line to [planning@elcajon.gov](mailto:planning@elcajon.gov) before 5 p.m. on Tuesday, May 2, 2023. Comments will be limited to 300 words and will be entered into the official Commission Meeting Record.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. If you require assistance or auxiliary aids in order to participate at the Commission meeting, please contact our office at 619-441-1742, option 3, as soon as possible.

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CHAIRPERSON'S WELCOME

### PUBLIC COMMENT

This is the opportunity for the public to address the Commission on any item of business within the jurisdiction of the Commission that is not on the agenda. Under state law no action can be taken on items brought forward under Public Comment except to refer the item to staff for administrative action or to place it on a future agenda. Non-agenda public comments must be submitted before the end of public comment during the meeting.

### CONSENT

Agenda Item:	1
	Planning Commission minutes of April 18, 2023

*Decisions and Appeals* - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Monday, May 15, 2023, at 5:00 p.m. Agenda items which are forwarded to City Council for final action need not be appealed.

## PUBLIC HEARINGS

Agenda Item:	2
Project Name:	1274 Oakdale Ave. (Best Inn & Suites)
Request:	Consider revocation of deemed approved status for a lodging establishment
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Revoke deemed approved status
Location:	1274 Oakdale Ave.
Applicant:	City of El Cajon
Project Planner:	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"><li>1. Conduct the public hearing;</li><li>2. Adopt the next resolution in order revoking deemed approved status;</li><li>3. Direct the operator and property owner to complete certain activities within the next 30 days; and</li><li>4. Direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 252 within the next 90 days.</li></ol>

### 5. OTHER ITEMS FOR CONSIDERATION

### 6. STAFF COMMUNICATIONS

### 7. COMMISSIONER REPORTS/COMMENTS

### 8. ADJOURNMENT

This Planning Commission meeting is adjourned to May 16, 2023 at 7 p.m.





## MINUTES PLANNING COMMISSION MEETING April 18, 2023

*The meeting of the El Cajon Planning Commission was called to order at 7:02 p.m.*

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE.**

**COMMISSIONERS PRESENT:** Darrin MROZ (Chair)  
Rebecca POLLACK-RUDE (Vice Chair)  
Paul CIRCO  
Anthony SOTTILE  
Shannon EDISON

**COMMISSIONERS ABSENT:** NONE

**STAFF PRESENT:** Noah ALVEY, Deputy Director of Community Development  
Anthony SHUTE, Director of Community Development  
Barbara LUCK, Staff Attorney  
Laura JUSZAK, Administrative Secretary

Chair MROZ opened the Planning Commission meeting explaining the rules of conduct.

**PUBLIC COMMENT:**

There was no public comment.

**CONSENT CALENDAR:**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of April 4, 2023</b>

Motion was made by MROZ, seconded by SOTTILE, to approve the April 4, 2023 minutes; motion carried 5-0.

**PUBLIC HEARING ITEM:**

<b>Agenda Item:</b>	2
<b>Project Name:</b>	Zoning Code Update
<b>Request:</b>	Zoning Code Amendment
<b>CEQA Recommendation:</b>	Exempt
<b>STAFF RECOMMENDATION:</b>	RECOMMEND CITY COUNCIL APPROVAL
<b>Project Number(s):</b>	Zoning Code Amendment No. ZCA-2023-0001
<b>Location:</b>	Citywide
<b>Applicant:</b>	City of El Cajon
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	Yes   May 23, 2023
<b>Recommended Actions:</b>	<ol style="list-style-type: none"><li>1. Conduct the public hearing; and</li><li>2. MOVE to adopt the next resolution in order recommending City Council approval of the proposed Zoning Code Amendment No. ZCA-2023-0001.</li></ol>

ALVEY summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with ALVEY providing answers.

MROZ opened the public hearing.

Ryan MIKHA spoke in support of the Zoning Code Update.

Resident Tina SHAW submitted a speaker card but didn't request to speak.

Motion was made by CIRCO, seconded by POLLACK-RUDE, to close the public hearing; motion carried 5-0.

COMMISSIONERS discussed the item and asked ALVEY questions.

Motion was made by SOTTILE, seconded by CIRCO, to adopt the next resolution in order recommending City Council approval of the proposed ZCA-2023-0001; motion carried 5-0.

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>550 Montrose Court (Motel 6)</b>
<b>Request:</b>	<b>Consider revocation of deemed approved status for a lodging establishment</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>Revoke deemed approved status</b>
<b>Location:</b>	550 Montrose Court
<b>Applicant:</b>	City of El Cajon
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order revoking deemed approved status;</li> <li>3. Direct the operator or property owner to complete certain activities within the next 30 days; and</li> <li>4. Direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 1123 within the next 90 days.</li> </ol>

ALVEY summarized the staff report through a PowerPoint presentation.

El Cajon Police Department Chief Mike MOULTON spoke to COMMISSIONERS regarding recent criminal activity at the property.

COMMISSIONERS asked questions with ALVEY and MOULTON providing answers.

MROZ opened the public hearing.

Hotel owner representative Jason SACCUZZO spoke in opposition to the revocation action.

Hotel manager Mark ROLFES spoke in opposition to the revocation action.

COMMISSIONERS asked questions of SACCUZZO and ROLFES.

Motion was made by MROZ, seconded by SOTTILE, to close the public hearing; motion carried 5-0.

COMMISSIONERS discussed the item, asking questions of ALVEY and SHUTE.

Motion was made by CIRCO, seconded by SOTTILE, to adopt the next resolution in order revoking deemed approved status. COMMISSIONERS also directed hotel operator to resolve unpermitted vehicle gate blocking fire access, implement security, and maintain property free of trash and debris during the next 30 days, and directed the operator to submit an Operations/Management

Plan, owner/operator affidavit, completion of human trafficking training, and to provide a monthly report regarding Emergency Housing Placement Program(s) participation within 45 days. Lastly, COMMISSIONERS directed staff to schedule a public hearing to consider amendment or revocation of CUP No. 1123 within 90 days; motion carried 5-0.

**OTHER ITEMS FOR CONSIDERATION:**

There were no other items for consideration.

**STAFF COMMUNICATIONS:**

There were no commissioner reports or comments.

**COMMISSIONER REPORTS/COMMENTS:**

There were no commissioner reports or comments.

**ADJOURNMENT:**

Motion was made by MROZ, seconded by CIRCO, to adjourn the meeting of the El Cajon Planning Commission at 8:15 p.m. this 18<sup>th</sup> Day of April, 2023, until 7:00 p.m., Tuesday, May 2, 2023; motion carried 5-0.

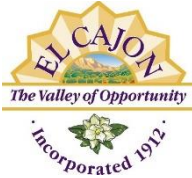
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Darrin MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary



Community Development Department  
**PLANNING COMMISSION AGENDA REPORT**

**City of El Cajon**

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>1274 Oakdale Ave. (Best Inn &amp; Suites)</b>
<b>Request:</b>	<b>Consider revocation of deemed approved status for a lodging establishment</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>Revoke deemed approved status</b>
<b>Location:</b>	1274 Oakdale Ave.
<b>Applicant:</b>	City of El Cajon
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing;</li> <li>2. Adopt the next resolution in order revoking deemed approved status;</li> <li>3. Direct the operator and property owner to complete certain activities within the next 30 days; and</li> <li>4. Direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 252 within the next 90 days.</li> </ol>

**PROJECT DESCRIPTION**

This agenda item is before the Planning Commission to consider revocation of the deemed approved status for a lodging establishment (Best Inn & Suites) at 1274 Oakdale Ave. The El Cajon Municipal Code (ECMC) indicates that the lodging establishment's deemed approved status may be suspended, modified or revoked by the Planning Commission after holding a public hearing for failure to comply with performance standards. This is the second location for which the Planning Commission will consider revoking the deemed approved status for a lodging establishment since the adoption of the 2019 Deemed Approved Lodging Establishment Ordinance.

**BACKGROUND**

<b>General Plan:</b>	General Commercial (GC)
<b>Specific Plan(s):</b>	Specific Plan No. 51
<b>Zone:</b>	General Commercial (C-G)
<b>Other City Plan(s):</b>	N/A
<b>Regional and State Plan(s):</b>	N/A

### Project Site & Constraints

The subject site is 1.3 acres and developed with a 32-unit lodging establishment (Best Inn & Suites) and also has a manager/caretaker unit. The motel building is addressed as 1274 Oakdale Ave. and is centrally located on the site and surrounded by parking and drive aisles. The site is located on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St.

### Surrounding Context

The surrounding area is mixed with residential and commercial uses. Surrounding properties are zoned and developed as follows:

Direction	Zones	Land Uses
North	N/A	Interstate 8
South	RM-2200 & C-N	Condominiums and neighborhood commercial uses
West	C-G	Vacant (previously manufactured home sales)
East	O-P	Restaurant (IHOP)

### General Plan

The project site is designated General Commercial (GC) on the General Plan Land Use Map. The General Commercial General Plan designation is intended for general shopping or service needs for uses not typically found in shopping centers.

### Specific Plan (SP) No. 51

SP No. 51 was approved by the City Council in 1962 and originally governed all of the properties on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St. An amendment to SP No. 51 in 1967 approved the motel use on the property, subject to the approval of a conditional use permit. In 2007, the vacant property west of the motel was removed from SP No. 51.

### Conditional Use Permit No. 252

In 1967 the Planning Commission approved Conditional Use Permit (CUP) No. 252 which authorized the development of a motel and a manager/caretaker unit on the subject site. The CUP provides authorization for the use, but does not include any ongoing conditions of approval.

### Deemed Approved Lodging Establishment Ordinance

The deemed approved lodging establishment (hotel and motel) ordinance was approved by the City Council on June 25, 2019 and confers deemed approved status on all existing lodging establishments, requires compliance with performance standards, and creates a mechanism for the modification or revocation of deemed approved status for problem properties. The purpose of the ordinance is to provide a common set of expectations and standards that all lodging establishments must abide by to provide guests with clean and

safe lodging and to minimize nuisance or criminal activity commonly associated with temporary lodging. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

When considering revocation of a deemed approved lodging establishment status, the Planning Commission is asked to determine whether the lodging establishment is in compliance with the operational standards for management operations, registration requirements, guest room security measures (locks, operable windows, and window shades), minimum property standards, maintenance activity, nuisance activity, transient occupancy tax collection, and compliance with all provisions of local, state or federal laws, regulations or orders. Based on this determination, the Planning Commission may suspend, modify or revoke the lodging establishment's deemed approved status. In reaching a determination as to whether the lodging establishment has violated the operational standards, or as to the appropriateness of suspending, modifying, or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the Planning Commission may consider the following:

- The length of time the activity has been out of compliance with the operational standards.
- The impact of the violation of the operational standards on the community.
- Any information regarding efforts to remedy the violation of the operational standards.

## **DISCUSSION**

The revocation hearing for the deemed approved lodging status of 1274 Oakdale Ave. (Best Inn & Suites) has been scheduled due to nuisance activities occurring at the subject site. There are no other known violations of performance standards described in the Deemed Approved Lodging Establishment Ordinance, except for nuisance activities occurring at the site and property maintenance.

On March 29, 2023 the El Cajon Police Department arrested five individuals for illegal drug activity, including the sale of illegal drugs. During the investigation, Police learned that four of the five adults were staying at a room in the motel.

On March 30, 2023, the Director of Community Development issued a notice of violation based on the recent illegal drug activity. In conjunction with the notice of violation, the operator and property owner for the motel were notified that the lodging establishment's deemed approved status and the ability to conduct lodging establishment activities may be suspended, modified, or revoked by the El Cajon Planning Commission at a public hearing on May 2, 2023. ECMC section 17.212.090 gives authority to the enforcement

officer to refer this matter directly to the planning commission for a hearing at which the establishment's deemed approved status may be suspended, modified or revoked.

On April 19, 2023, staff received an e-mail in response to the Notice of Violation which included the following list of actions taken by the motel operator:

- Hired a security patrol company from 10pm - 6am every day; they are on call 24 hours a day and respond within 5 minutes to any security issues
- Designated a person to clean the parking lot and lobby once an hour to keep the property free of trash and debris
- Requiring all guests to register their vehicles with the front desk at check in
- Requiring all guests to register all guests who are present in the room, failure of a guest to do so will result in automatic check out of guest with no refund
- Installed 20 cameras around the property to help Police Department fight crime at the cross street and IHOP and ordered an extra hard drive so footage can be stored for one month before deleting
- Added a seal coat to the parking lot to work on improving condition of exterior property to avoid loitering
- Upgraded parking lot flood lights
- Installed new door locks on all guest rooms for added security
- Scheduled human trafficking training of all staff members for April 24, 2023

On April 25, 2023, staff conducted an electronic meeting with an attorney representing the property owner. The attorney indicated a willingness to work with the City to resolve issues occurring at the site. Staff confirmed that a site visit would be conducted and that the Planning Commission would provide direction on next steps.

On April 26, 2023, staff conducted a site visit and observed the following issues (see attached photographs):

- Deferred property maintenance
  - Paint discoloration
  - Unmaintained landscaping
  - Broken window
- Code violations
  - Unauthorized ocean going container and storage shed
  - Unauthorized sign attached to the trash enclosure
  - Unauthorized enclosed patio



- Fencing in excess of height limitations
- Outdoor storage

Staff also observed materials being stored in the parking lot, but it was noted that these belonged to a former tenant and that they would be picked up later in the day.

On April 27, 2023, the owner's representative provided an updated response to the notice of violation including photographs of recent efforts to improve the property and copies of human trafficking training certificates. This information is attached to the agenda report.

Staff conducted a review of calls for service at the motel. Over the past 12 months a total of 127 calls for service (CFS) were documented. Of these, 33 calls were for medical reasons, 13 calls were for disturbance of the peace, 4 calls for illegal drugs, 3 calls for trespassing, 1 call related to a death, and the remainder were not related to nuisance activities included in the Deemed Approved Lodging Ordinance or attributable to the motel.

Staff recommends that, based on the motel's current condition, recent illegal activity, and 54 CFS, that the Planning Commission require that the operator or property owner comply with the following requirements within the next 30 days:

- Prepare an Operations/Management Plan subject to Police and Community Development approval
- Complete property maintenance
  - Paint the entire building and repair any building damage
  - Submit a Landscape Documentation Package for all landscaping areas and install landscaping and irrigation in accordance with ECMC chapter 17.195
- Resolve current property violations:
  - Remove the ocean going container or obtain approval of a temporary use permit to utilize the container for a limited duration
  - Remove the storage shed or obtain necessary approvals for the structure
  - Remove the sign attached to the trash enclosure
  - Remove or reduce the height of the fencing along Oakdale Ave. or replace with permitted fencing materials
  - Remove outdoor storage
  - Remove the unauthorized patio enclosure or obtain necessary approvals for the enclosure

- That the motel owner, operator, and employees complete the following:
  - Owner or operator to conduct a site inspection with the City's Building Official to identify additional property maintenance and violations and correct all identified items
  - Owner and operator sign an affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance
  - Owner, operator, and employees complete human trafficking training offered by CSA San Diego County, or similar human trafficking training provider, as approved by the Director of Community Development and provide proof of completion of the training
  - Owner or operator provide a monthly report to the Community Development Department listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s)

Based on the length of time that the motel has been out of compliance with the operational standards, the impact of the violation of the operational standards on the community, and the lack of efforts to remedy the violation of the operational standard, the Planning Commission may suspend, modify, or revoke the lodging establishment's deemed approved status. If the lodging establishment's deemed approved status is revoked, the Planning Commission may choose to impose additional conditions of approval on the use of the establishment such as those listed above and those found in ECMC chapter 17.212 by modifying CUP No. 252 in accordance with ECMC section 17.35.030. The Planning Commission may also choose to revoke CUP No. 252 at a future public hearing.

### Findings

- A. *The proposed deemed approved status revocation is consistent with applicable goals, policies and programs of the General Plan and applicable Specific Plans.*

The revocation of the deemed approved status and implementation of specified requirements is consistent with General Plan Objective 9-4, that "All commercial development shall be subject to...strict standards of performance."

- B. *The proposed deemed approved status revocation will ensure the establishment will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The revocation of the deemed approved status for the lodging establishment and implementation of specified requirements will reduce the number of nuisance calls relating to lodging establishment guests conducting illegal drug activity, disturbing

the peace, and other nuisance activities described in the Deemed Approved Lodging Ordinance.

- C. *The proposed deemed approved status revocation is in the best interest of public convenience and necessity.*

The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the Deemed Approved Lodging Ordinance. As such, it is in the best interest of public health and safety to revoke the deemed approved status of a lodging establishment where illegal drug activity is occurring and require the implementation of specific actions.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed project is not subject to the California Environmental Quality Act (CEQA) subject to a section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a “project”. In this instance, the termination of the subject property’s deemed approved status is not a “project” because the actions to terminate have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **PUBLIC NOTICE & INPUT**

Notice of this public hearing was mailed on April 21, 2023, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City’s website under “Public Hearings/Public Notices.” The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

#### **RECOMMENDATION**

Revoke the lodging establishment’s deemed approved status, request that the operator or property owner complete certain activities within 30 days, and direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 252 within the next 90 days.


**PREPARED BY:**



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Noah Alvey  
DEPUTY DIRECTOR  
OF COMMUNITY  
DEVELOPMENT

**APPROVED BY:**

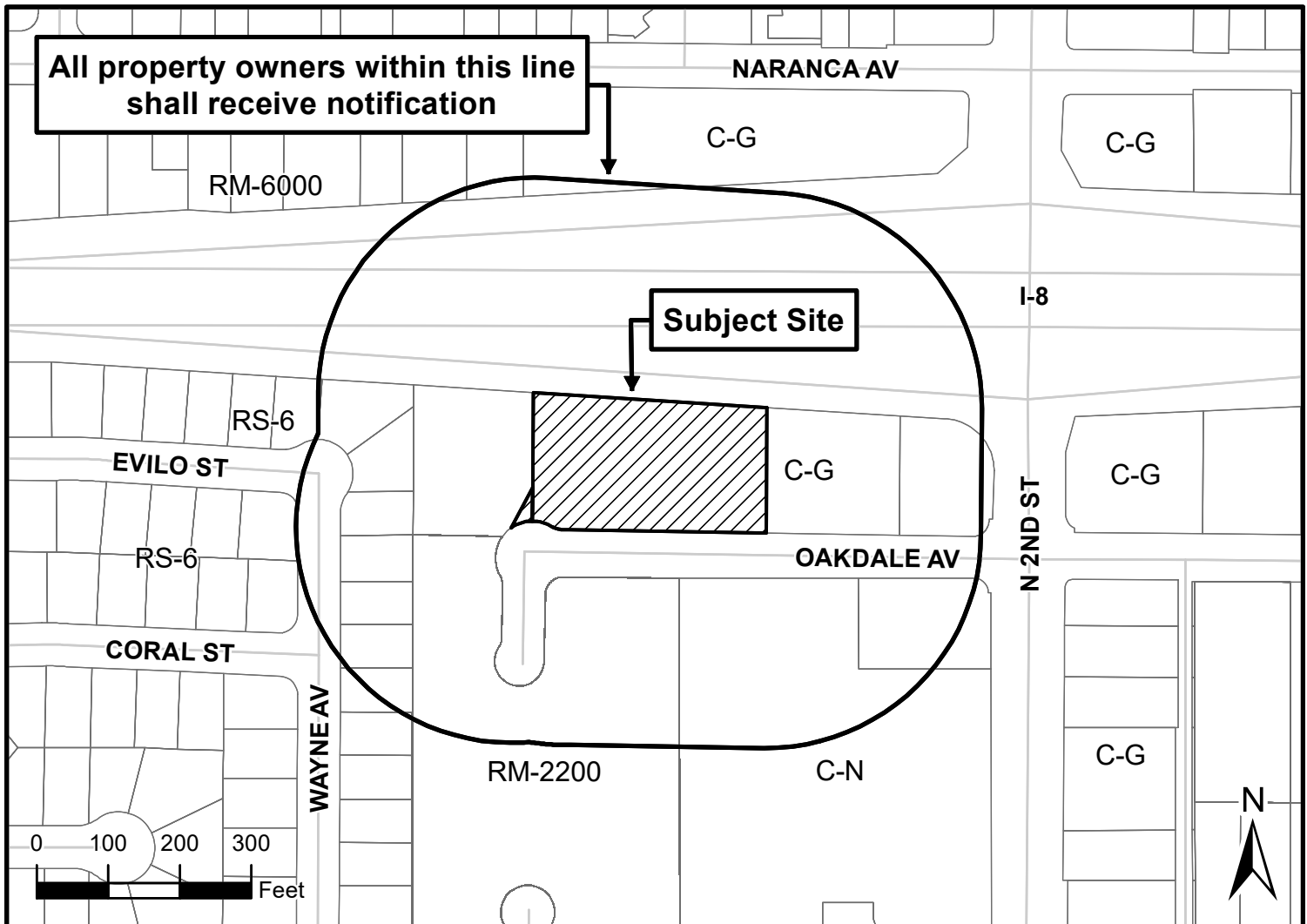


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Anthony Shute  
DIRECTOR OF  
COMMUNITY  
DEVELOPMENT

**ATTACHMENTS**

1. Public Hearing Notice/Location Map
2. Proposed Resolution REVOKING Deemed Approved Status
3. Letter to Property Owners dated March 30, 2023
4. Photographs of 1274 Oakdale Ave. dated April 26, 2023
5. E-mail and photographs from the owner's representative dated April 27, 2023
6. El Cajon Municipal Code Chapter 17.212



### NOTICE OF PROPOSED REVOCATION OF DEEMED APPROVED STATUS FOR A LODGING ESTABLISHMENT

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, May 2, 2023**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **Termination of Deemed Approved Status** for a lodging establishment at the subject property addressed as 1274 Oakdale Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

The public is invited to attend and participate in this public hearing. The agenda report for this project will be available 72 hours prior to the Planning Commission meeting at <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>. In an effort to reduce the City's carbon footprint, paper copies will not be provided at the public hearing, but will be available at City Hall in the Project Assistance Center upon request.

If you challenge the matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Commission, or prior to, the public hearing. The City of El Cajon encourages the participation of disabled individuals in the services, activities, and programs provided by the City. Individuals with disabilities who require reasonable accommodation in order to participate in the public hearing should contact Planning at 619-441-1742. More information about planning and zoning in El Cajon is available at <http://www.elcajon.gov/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **NOAH ALVEY** at 619-441-1795 or via email at [nalvey@elcajon.gov](mailto:nalvey@elcajon.gov) and reference "1274 Oakdale Avenue" in the subject line.

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION REVOKING THE DEEMED APPROVED STATUS FOR A LODGING ESTABLISHMENT (BEST INN & SUITES) LOCATED AT 1274 OAKDALE AVENUE IN THE C-G (GENERAL COMMERCIAL) ZONE, APNs: 489-310-23 & 489-310-24, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on May 2, 2023, to consider the revocation of deemed approved status of a lodging establishment in the C-G zone, on property located on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St., and addressed as 1274 Oakdale Ave.; and

WHEREAS, over the past 12 months a total of 127 calls for service were documented with 33 calls for medical reasons, 13 calls for disturbance of the peace, 4 calls for illegal drug activity, 3 calls for trespassing, 1 call related to a death, and the remainder were not related to nuisance activities included in the Deemed Approved Lodging Ordinance or attributable to the motel; and

WHEREAS, on March 29, 2023 the Police Department arrested five individuals for illegal drug activity, including the sale of illegal drugs and during the investigation the Police Department learned that four of the five adults were staying at a room in the motel; and

WHEREAS, on March 30, 2023, the Director of Community Development issued a notice of violation based on the recent illegal drug activity; and

WHEREAS, on April 19, 2023, staff received an e-mail response to the Notice of Violation which indicated actions taken by the motel operator to improve the property and its management; and

WHEREAS, on April 26, 2023, staff conducted a site visit and observed deferred property maintenance and multiple Municipal Code violations; and

WHEREAS, the evidence presented to the Planning Commission at the public hearing includes the following:

- A. In determining whether the proposed action is categorically exempt from environmental review in accordance with section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a "project". The revocation of the deemed approved status for the lodging establishment is not a "project" because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Proposed Planning Commission Resolution

- B. The revocation of the deemed approved status and implementation of specified requirements is consistent with General Plan Objective 9-4, that "All commercial development shall be subject to...strict standards of performance."
- C. The revocation of the deemed approved status for the lodging establishment and implementation of specified requirements will reduce the number of nuisance calls relating to lodging establishment guests conducting illegal drug activity, disturbing the peace, and other nuisance activities described in the Deemed Approved Lodging Ordinance.
- D. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the Deemed Approved Lodging Ordinance. As such, it is in the best interest of public health and safety to revoke the deemed approved status of a lodging establishment where illegal drug activity is occurring and require the implementation of specific actions.

NOW, THEREFORE, BE IT RESOLVED by the El Cajon Planning Commission as follows:

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission here finds that the Section 15060(c)(3) of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby REVOKES the deemed approved status of the lodging establishment (Best Inn & Suites) at 1274 Oakdale Ave. in the C-G (General Commercial) zone.
4. The El Cajon Planning Commission hereby directs the staff to schedule Conditional Use Permit No. 252 for a public hearing within 90 days to consider possible revocation or modification.

[The remainder of this page intentionally left blank.]

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held May 2, 2023, by the following vote:

AYES:

NOES:

ABSENT:

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Darrin MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary





## Community Development

March 30, 2023

Sent Via Certified  
and First Class Mail

### NOTICE OF VIOLATION AND PUBLIC HEARING

**Location:** 1274 Oakdale Avenue, El Cajon, CA 92021

**Assessor's Parcel No.:** 489-310-23-00

**Property Owner:** A&B El Cajon Hotels, LLC  
C/O Bharat Maru

**Addresses:** 151 N Kraemer Blvd., #120  
Placentia, CA 92870

**Business/Tenant:** Best Value Inn

**Address:** 1274 Oakdale Avenue  
El Cajon, CA 92021

### **BACKGROUND**

On March 29, 2023, the El Cajon Police Department arrested five individuals for illegal drug activity, including sales at the Best Value Inn at 1274 Oakdale Avenue in the City of El Cajon. During the investigation, Police learned that four of the five adults were staying in a room at the motel.

The allegations of criminal activity identified above could support a violation of El Cajon Municipal Code (ECMC) section 17.212.070.F "Deemed approved performance standards for lodging establishments," which stipulates that nuisance activities, including but not limited to illegal drug activity is a violation of such standards. Furthermore, it has been determined that this activity presents a serious threat to public safety and warrants expedited action in order to protect the safety of guests and visitors at Best Value Inn. Therefore, this matter will be referred directly to the Planning Commission for a public

Notice of Violation & Administrative Hearing  
Best Value Inn  
March 30, 2023

hearing to determine whether evidence support finding that the establishment's deemed approved status should be suspended, modified or revoked.

On June 25, 2019, the El Cajon City Council adopted a new lodging establishment (hotel and motel) ordinance to address community concerns associated with lodging activities. All existing permitted, conditionally permitted, and legal nonconforming motels and hotels were automatically deemed approved as of July 25, 2019, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. The deemed approved lodging ordinance requires that all deemed approved establishments must adhere to the deemed approved performance standards, which were sent to the above referenced location by certified mail on August 2, 2019. In summary, the ECMC regulates the land use of the above referenced premises for transient lodging operations.

### **VIOLATION**

#### **ECMC section 17.212.070.F – Nuisance Activity**

ECMC section 17.212.070.F - deemed approved lodging establishment activities shall not result in nuisance activities on the property or contribute to nuisance activities in close proximity to the property. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

For failure to comply with the deemed approved performance standards you are hereby notified that your lodging establishment's deemed approved status and the ability to conduct lodging establishment activities may be suspended, modified, or revoked by the El Cajon Planning Commission at a public hearing scheduled on **May 2, 2023 at 7:00 p.m. in the City of El Cajon Council Chambers located at 200 Civic Center Way, El Cajon CA 92020**. The hearing will be conducted as prescribed in ECMC chapter 17.212.090 (B) and (D) A copy of Chapter 17.212 is enclosed for your review.

*Please note that if, following the public hearing, the Planning Commission revokes your lodging establishment's deemed approved status, you will no longer be able to conduct lodging establishment activities at the premises referenced above. Lodging establishment activities may only be re-established with a conditional use permit approved by the Planning Commission after holding a duly advertised public hearing and in accordance with ECMC chapter 17.50.*

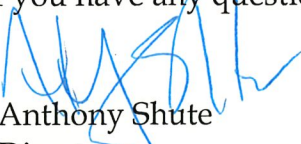
### **PENALTIES**

Please note that any person violating any of the provisions of ECMC chapter 17.212 or who causes or permits another person to violate any provision of ECMC chapter 17.212

Notice of Violation & Administrative Hearing  
Best Value Inn  
March 30, 2023

may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause in ECMC section 1.24.010. The City may pursue any and all other legal remedies that may be available, including but not limited to civil actions filed by the City Attorney seeking any and all appropriate relief such as civil injunctions and penalties. In addition to the punishment provided by law a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the establishment conducting the deemed approved activity or owner of the property where the establishment is located.

If you have any questions, please call the City of El Cajon at 619-441-1742.



Anthony Shute  
Director

cc: Graham Mitchell, City Manager  
Morgan Foley, City Attorney  
Mike Moulton, Police Chief, El Cajon Police Department

Enclosures and Attachments

1. El Cajon Municipal Code Excerpts
  - a. Chapter 1.24 (General Penalty)
  - b. Applicable sections of Chapter 17.212 (Deemed Approved Lodging Establishment Regulations)



**Photographs of 1274 Oakdale Ave. dated April 26, 2023**



Repaired stucco (painting)



Landscaped Area (west of pool)





Landscaped Area (adjacent to I-8)



Ocean going container in parking lot





Storage Shed

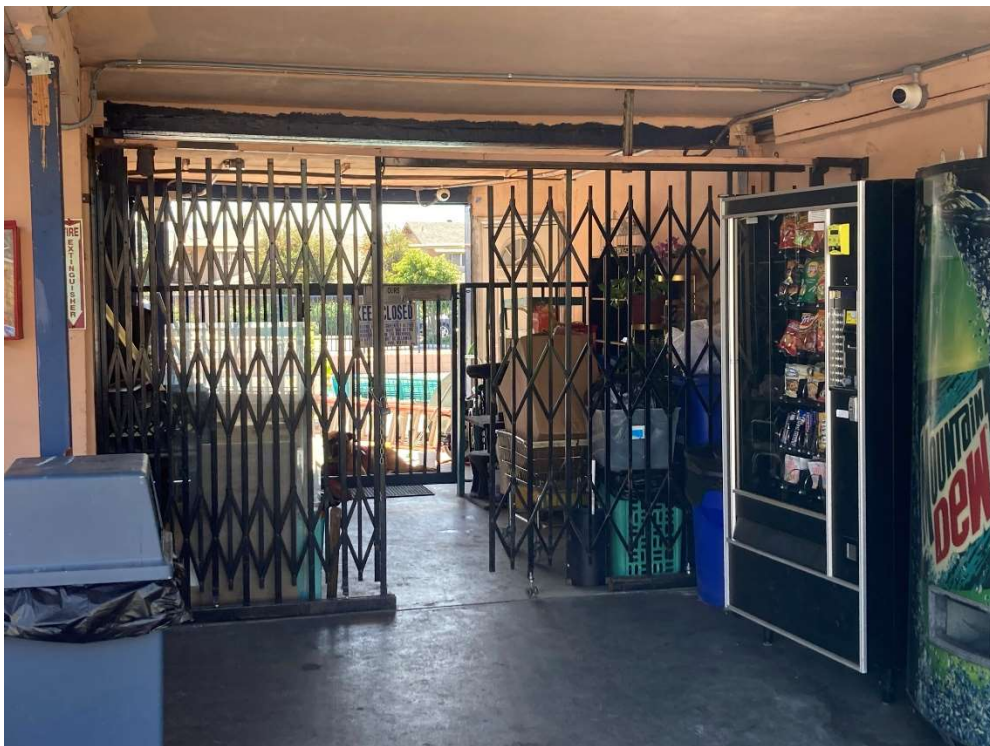


Sign (attached to trash enclosure)





Fencing (Oakdale Ave.)



Outdoor Storage





Patio Enclosure



Storage Materials (adjacent to Oakdale Ave.)



## Noah Alvey

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**Subject:** Re: Notice of Violation and Public Hearing - Best Value Inn  
**Attachments:** Condition and Upkeep of Property.pdf; Human Trafficking Certificates .pdf; Security Cameras Installed.pdf; Guests Involved in Drug Activity Per Notice.pdf

**From:** Pooja Patel <[ppatel@dpalaw.com](mailto:ppatel@dpalaw.com)>  
**Sent:** Wednesday, April 26, 2023 4:59:25 PM  
**To:** Tony Shute <[TShute@elcajon.gov](mailto:TShute@elcajon.gov)>; City Manager <[citymanager@elcajon.gov](mailto:citymanager@elcajon.gov)>; Holly Savage <[HSavage@elcajon.gov](mailto:HSavage@elcajon.gov)>; Mike Moulton <[mmoulton@elcajon.gov](mailto:mmoulton@elcajon.gov)>  
**Subject:** Re: Notice of Violation and Public Hearing - Best Value Inn

**CAUTION:** [EXTERNAL EMAIL] Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello All,

Per our conversation, below is updated/additional information I have received from the Hotel Operator in response to the questions you posed yesterday. Please forward this email to all who were on the call yesterday and not copied here.

To be clear, the Hotel Operator is RK Hospitality Management LLC owned by Jayeshkumar Patel. The Hotel Operator is the Tenant and leased the property on September 1, 2021 from Hotel Owner, A&B El Cajon Hotels, LLC.

Dates of proactive actions Hotel Operator took to avoid nuisance activity on property:

1. In September of 2021, Hotel Operator installed new RFID doors on all guest rooms for added security.
2. On September 15, 2021, Hotel Operator upgraded their 13 parking lot flood lights to 300w LED to improve visibility of the parking lot and to illuminate the area to mitigate the chance of nuisance or criminal activity. These flood lights have drastically improved the quality of the security camera footage as well because all areas are now well lit. (See attached)
3. On September 22, 2021, Hotel Operator seal coated the parking lot to improve the condition of the exterior of the property to avoid loitering and unsolicited activity.
4. On November 5, 2021, Hotel Operator installed 20 cameras around the property in response to helping the police department fight crime at the cross street and IHOP. (See attached)
5. On April 1, 2023, Hotel Operator designated a hotel employee to clean the parking lot and lobby every hour to keep it free of trash and debris to mitigate loitering and unsolicited activity. (See attached)
6. On April 1, 2023, Hotel Operator became strict about requiring all guests to register their vehicles with the front desk at check in or any time a vehicle enters the lot for an extended period of time
7. On April 1, 2023, Hotel Operator became strict about requiring guests to register all persons who are present in the room. Failure of a guest to do so will result in automatic check out of guest with no refund.
8. On April 12, 2023, Hotel Operator hired a security patrol company to patrol the property from 10pm - 6am every day. The service is also on call 24 hours a day and respond within 5 minutes to any security issues hotel has
9. On April 17, 2023, Hotel Operator ordered an extra hard drive so security footage can now be stored for 1 month and available for the police department for more time before it automatically deletes. This hard drive is set to arrive at the property and be installed by May 5, 2023. Currently, the footage is only stored for one week.
10. On April 26, 2023, the resident manager and Hotel Operator completed Human Trafficking training as evidenced by the certificates attached. Housekeeper was off schedule the last two days, but is scheduled to work tomorrow – she will complete the training tomorrow.

Voucher Program Protocol:

1) Equus - usually calls the hotel regarding a potential reservation and then sends the voucher the hotel by email days in advance of the reservation.

2) Public Consulting Group - they email hotel the reservation with guest details.

3) El Cajon City Program Home Start - they call or text hotel with guest name. El Cajon police officer brings the guest with the voucher for the week.

Once any voucher is received, Hotel checks to see if that guest's name is on their Do Not Rent list or if they are listed on [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). If the guest name is listed, the Hotel automatically rejects the reservation. If the guest name is not on the list, then at checkin, Hotel front desk asks for identification to verify name on voucher for each occupant. Hotel can deny guest at check in if they feel that guest should not be rented to.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,



**Pooja Patel, Esq.**  
Managing Attorney

DPA Attorneys at Law

phone: (760)372-0007

facsimile: (858) 879-2171

email: [Ppatel@DpaLaw.com](mailto:Ppatel@DpaLaw.com)

address: 1650 Hotel Circle North, Suite 120 San Diego, CA 92108

website: [www.DpaLaw.com](http://www.DpaLaw.com)

**Circular 230 Disclosure:** Pursuant to recently-enacted U.S. Treasury Department Regulations, I am required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

**Service:** I will accept electronic notice of any regular noticed motion via email, however, I will not accept electronic notification of any ex parte application or motion without further and prior written stipulation. I do not accept telephonic notice of any kind, including ex parte applications and motions.

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**From:** Pooja Patel <[ppatel@dpalaw.com](mailto:ppatel@dpalaw.com)>

**Date:** Wednesday, April 19, 2023 at 12:45 PM

**To:** [ashute@cityofelcajon.us](mailto:ashute@cityofelcajon.us) <[ashute@cityofelcajon.us](mailto:ashute@cityofelcajon.us)>, [citymanager@elcajon.gov](mailto:citymanager@elcajon.gov) <[citymanager@elcajon.gov](mailto:citymanager@elcajon.gov)>, [hsavage@cityofelcajon.us](mailto:hsavage@cityofelcajon.us) <[hsavage@cityofelcajon.us](mailto:hsavage@cityofelcajon.us)>, [mmoulton@cityofelcajon.us](mailto:mmoulton@cityofelcajon.us) <[mmoulton@cityofelcajon.us](mailto:mmoulton@cityofelcajon.us)>

**Subject:** Re: Notice of Violation and Public Hearing - Best Value Inn

To Whom It May Concern:

As of today, our firm is in receipt of the Notice of Violation and Public Hearing for the Best Value Inn dated March 30, 2023.

Our firm has been retained to represent the Hotel Operator in resolving the City's concerns related to drug activity and any other nuisance activity occurring at the establishment. Hotel Operator takes such notices very seriously, and has been proactive in working with the City and law enforcement to ensure hotel is performing in accordance with City and County regulations.

As it relates to the drug activity specifically mentioned in the Notice regarding the 5 individuals who were arrested - the Hotel Operator believes only two of the five individuals were actually staying at the Hotel. Attached are the guest folios for both of these guests. One of the guests was staying with the Equus voucher. Should you have information to the contrary, please share it with me so we can investigate.

Further, it is my understanding the Hotel rents about 1/3 of their hotel to guests with vouchers (Equus, Home Start, PCG). These guests may be contributing to the nuisance activity as well as the homeless population surrounding the hotel. If this is the case, the Hotel Operator wants to work with the City and local enforcement to mitigate future issues.

In response to previous conversations with the police department and with respect to this Notice, Hotel Operator has been extremely proactive. He has:

- 1) hired a security patrol company from 10pm - 6am every day. They are on call 24 hours a day and respond within 5 minutes to any security issues hotel has
- 2) designated a person to clean the parking lot and lobby once an hour to keep the property free of trash and debris
- 3) requiring all guests to register their vehicles with the front desk at check in, and 4) requiring guests to register all guests who are present in the room, failure of a guest to do so will result in automatic check out of guest with no refund.
- 5) installed 20 cameras around the property to help police department fight crime at the cross street and IHOP. Also ordered an extra hard drive so footage can be stored for 1 month before deleting
- 6) added a seal coat to the parking lot to work on improving condition of exterior property to avoid loitering
- 7) upgraded parking lot flood lights to 300w LED
- 8) installed new RFID door locks on all guest rooms for added security
- 9) human trafficking training of all staff members has been scheduled for April 24, 2023

\*\*Attached are pictures of the property in its state today

That being said, if the City and the Police Department expects additional steps to be taken, we would like to schedule a call with the parties involved to develop an action plan to ensure guest safety and compliance with the law.

Sincerely,



**Pooja Patel, Esq.**  
Managing Attorney

DPA Attorneys at Law

phone: (760)372-0007

facsimile: (858) 879-2171

email: [Ppatel@DpaLaw.com](mailto:Ppatel@DpaLaw.com)

address: 1650 Hotel Circle North, Suite 120 San Diego, CA 92108

website: [www.DpaLaw.com](http://www.DpaLaw.com)

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**Service:** I will accept electronic notice of any regular noticed motion via email, however, I will not accept electronic notification of any ex parte application or motion without further and prior written stipulation. I do not accept telephonic notice of any kind, including ex parte applications and motions.





















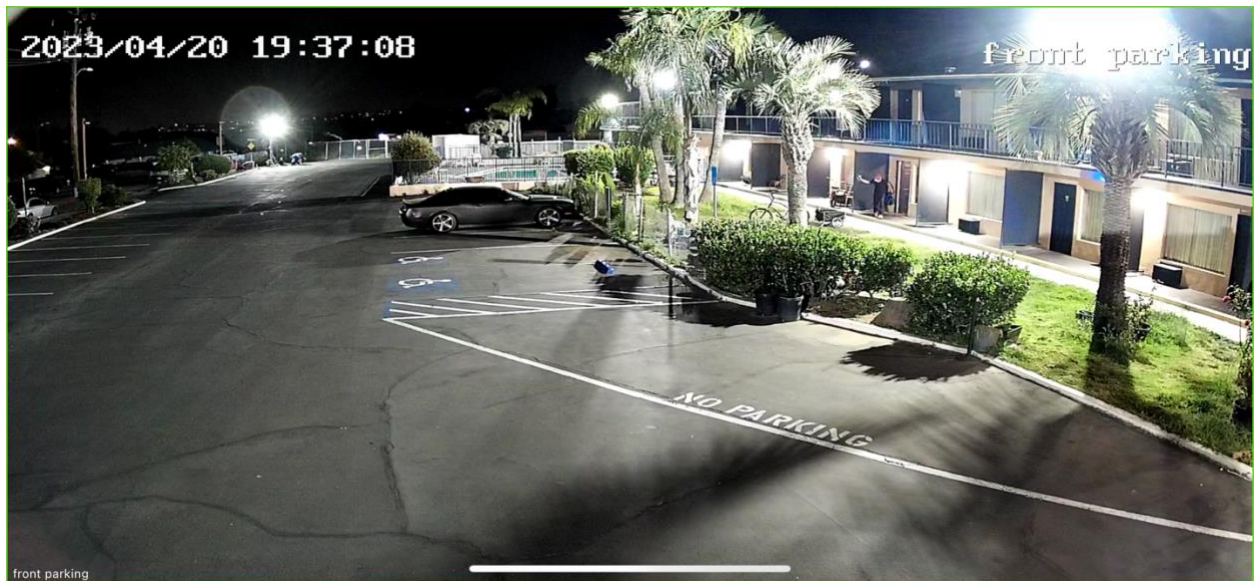












PH Engineering Corp, dba Phillip  
IT Computer Shop,

admin@phillipit.com



## INVOICE

**BILL TO**

Americas Best Value Inn  
1274 Oakdale Ave  
El Cajon, CA 92021

**INVOICE #** 2589

**DATE** 10/09/2021

**DUE DATE** 10/09/2021

**TERMS** Due on receipt

DESCRIPTION	QTY	RATE	AMOUNT
<b>Surveillance System Installation</b> payment for the surveillance system installation	1	6648.00	6648.00

PAYMENT  
BALANCE DUE

6648.00

**\$0.00**

PAID



This certificate acknowledges that

**Tanya Wilson Duckstad**

completed

**Inhospitable to Human Trafficking  
Training Course**

April 26, 2023

Mikaela Kiner  
BEST Board Chairperson

Mar Brettmann, PhD  
BEST CEO & Executive Director



This certificate acknowledges that

**Jayeshkumar Patel**

completed

**Inhospitable to Human Trafficking  
Training Course**

April 26, 2023

**Mikaela Kiner**  
BEST Board Chairperson

**Mar Brettmann, PhD**  
BEST CEO & Executive Director



El Cajon, California Municipal Code

Title 17 ZONING

**Chapter 17.212 DEEMED APPROVED LODGING ESTABLISHMENT**

17.212.010 Short Title.

17.212.020 Purpose.

17.212.030 Definitions.

17.212.040 Applicability.

17.212.050 Deemed Approved Status.

17.212.060 New, modified, or expanded lodging establishments.

17.212.070 Deemed Approved Performance Standards.

17.212.080 Right of inspection.

17.212.090 Violation of Performance Standards.

17.212.100 Public hearing by planning commission.

17.212.110 Grounds for deemed approved status suspension, revocation or termination.

17.212.120 Deemed approved status revocation.

17.212.130 Appeal from suspension, modification or revocation of deemed approved status.

17.212.140 Notification to owners of lodging establishments conducting deemed approved activities.

17.212.150 Violations and Penalties.

17.212.160 Severability.

**17.212.010 Short Title.**

This chapter shall be known as the “Deemed Approved Lodging Establishment Ordinance.” (Ord. 5083 § 2, 2019.)

**17.212.020 Purpose.**



The purpose and intent of this chapter is to protect and promote the public health, safety, and welfare of employees and customers of lodging establishments and the community at large by conveying deemed approved status to all existing lodging establishments and requiring adherence to performance standards intended to prevent public nuisance. The objectives of this chapter are as follows:

- A. To improve and maintain the quality of the City's transient lodging through the enforcement of minimum standards and the advancement of responsible operations of these lodging establishments;
- B. To ensure that lodging establishments adhere to public health and safety standards and that guests are provided with safe and sanitary accommodations;
- C. To ensure that each lodging establishment is operated safely in a manner that discourages nuisance and criminal activity;
- D. To provide ongoing monitoring of lodging establishment activities to ensure that the activities do not substantially change over time;
- E. To ensure that the operations of existing lodging establishments are not a source of undue public nuisance or visual blight; and
- F. To protect surrounding residential, commercial, industrial, or civic areas and minimize the negative impact of nonconforming or incompatible uses.

This chapter confers deemed approved status on the effective date of this ordinance to all existing permitted, conditionally permitted, and legal nonconforming, lodging establishments; provides standards for the continued operations of these businesses; establishes grounds for termination of deemed approved status for lodging establishments violating this chapter; and provides a hearing process to review the violations of these standards. (Ord. 5083 § 2, 2019.)

### **17.212.030 Definitions.**

- A. **“Deemed approved activity”** means any existing permitted, conditionally permitted, or legal nonconforming, lodging establishment activity. Such activity shall be considered a deemed approved activity effective date as long as it complies with the deemed approved performance standards established in this chapter.
- B. **“Deemed approved status”** means the permitted use of land for a deemed approved activity. Deemed approved status replaces legal nonconforming status for lodging establishment activities and remains in effect as long as the business complies with the deemed approved provisions and performance standards of this chapter. Lodging establishments having permitted or conditionally permitted status shall retain such status provided, however, that these lodging establishment activities are further subject to the deemed approved performance standards to the extent that these standards are not already included in applicable conditions of approval.
- C. **“Lodging establishment” or “establishment”** means a place of business that provides overnight accommodations regardless of the length of stay. This shall include hotels, motels, bed and breakfast establishments or any other temporary lodging establishments regardless of the length of stay of any guest or tenant. This does not include single-or multi-family residences, single room occupancy hotels, institutional or group care facilities, or group quarters.
- D. **“Lodging establishment activity”** means the provision of overnight accommodations to persons in exchange for the payment of valuable consideration. (Ord. 5083 § 2, 2019.)

### **17.212.040 Applicability.**

A. The deemed approved lodging establishment regulations shall apply to all legal nonconforming, conditionally, or otherwise permitted hotels, motels, or bed and breakfast places of business within the city. This shall apply to all hotels, motels, or businesses established as temporary lodging businesses regardless of the length of stay of any guest or tenant. This does not apply to residences where rooms are rented. This chapter applies to all lodging establishments as defined in section [17.212.030](#).

B. Whenever any regulation or law or condition of approval is more restrictive than these regulations, the more restrictive or higher standard shall control unless otherwise expressly described in this chapter. (Ord. 5083 § 2, 2019.)

### **17.212.050 Deemed Approved Status.**

All lodging establishments that were legal nonconforming activities, conditionally or otherwise permitted immediately prior to the effective date of this chapter shall automatically become deemed approved lodging activities as of the effective date of this chapter and shall no longer be considered legal nonconforming activities. Each such deemed approved lodging activity shall retain its deemed approved status as long as it complies with the standards in section [17.212.070](#). (Ord. 5083 § 2, 2019.)

### **17.212.060 New, modified, or expanded lodging establishments.**

Except as otherwise provided in this chapter, no person shall establish a new lodging establishment, nor shall any person modify or expand an existing lodging establishment without first obtaining or amending a conditional use permit. (Ord. 5083 § 2, 2019.)

### **17.212.070 Deemed Approved Performance Standards.**

#### **A. Management operations**

1. A staff person, caretaker or resident manager or other responsible person shall be available in person 24 hours per day at each lodging establishment in which there are twelve (12) or more rooms.
2. A caretaker or resident manager shall be available by phone 24 hours per day at each lodging establishment in which there are eleven (11) or fewer rooms.
3. The name, phone number, and address of the responsible person shall be posted conspicuously in an area that is generally available to the public.
4. The telephone number and address for the City of El Cajon code compliance office shall be posted in a prominent location in the reception area.

#### **B. Registration requirements**

Each lodging establishment shall comply with the El Cajon Municipal Code chapter [9.25](#) Hotel, Motel and Lodging House Registration Regulations.

#### **C. Security measures**

1. Each guestroom shall be equipped with an operable dead bolt lock on the swinging entry door of the room.
2. Each connected door between two rooms that share a common wall shall be equipped with two dead bolt locks, separately operable without a key on each side of the door; or two separate doors, each with a dead bolt lock only operable without a key from the room-side of the door.
3. All windows designed to be opened shall have an operable window security or locking device.
4. Each room shall have privacy coverings such as shades, draperies, or blinds on all windows.

D. Minimum property standards

1. All common interior and exterior areas shall be maintained in a sanitary condition free of garbage and debris.
2. The property shall be maintained in accordance with El Cajon Municipal Code section [15.16.130](#) Standards of maintenance and repair.
3. Any graffiti shall be removed in accordance with El Cajon Municipal Code chapter [9.70](#).
4. All parking lots, adjacent public sidewalks, walkways, and exterior areas shall be swept or cleaned regularly and maintained free of litter and debris.
5. Exterior lighting shall be provided and maintained in working order to adequately illuminate parking lots, walkways, and areas of public access.
6. All designated landscape areas shall be maintained with properly trimmed, fertilized, and watered living plant materials free of litter or debris.
7. Directional signs shall be posted as necessary to ensure that emergency personnel can find guest rooms.
8. All containers used for the storage of trash, garbage, or recycled materials and placed on the exterior of the building shall be kept locked and maintained in a sanitary condition.

E. Maintenance and Housekeeping

The maintenance and housekeeping provisions shall apply to all lodging establishments which provide shelter, furniture, linens and housekeeping services within guest rooms and throughout the property. These provisions shall not apply to permanent residential facilities wherein the owner is responsible only for shelter but does not provide furniture, linens or housekeeping services.

1. Each guest room shall be maintained by regularly occurring maintenance and routine cleaning to provide a clean and sanitary space free from garbage, rodents, or vermin.
2. Housekeeping and cleaning services shall be provided at a minimum weekly and in between guests. Where housekeeping is provided on a weekly basis, guests must have access to additional clean linens and a dumpster or bin for emptying room trash cans on a daily basis or as needed.
3. Rooms with private bathrooms shall have a functioning toilet, sink, and shower or bathtub.
4. Hot and cold running water shall be provided for all plumbing facilities.

5. Room furnishings including mattresses and furniture shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and shall further be free and clear of bed bugs, fleas, lice, and other similar vermin.
6. Room linens, drapes, or blinds shall be free of stains, holes, rips or odors in excess of normal wear and tear.
7. Bathroom fixtures shall be maintained without significant cracks, chips, or stains. Bathroom facilities must be maintained in working order.
8. Carpeting or flooring, walls, and ceilings shall be free of stains, holes, cracks, chips, or odors in excess of normal wear and tear, and shall further be free and clear of bed bugs, fleas, lice, and other similar vermin.

F. Nuisance activity

The deemed approved lodging establishment activities shall not result in nuisance activities on the property or contribute to nuisance activities in close proximity to the property. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

G. Transient Occupancy Tax

In accordance with Chapter 3.44 of Title 3 of the El Cajon Municipal Code, each establishment must maintain records and remit transient occupancy tax to the city following the close of each calendar quarter.

H. Compliance with laws

Each lodging establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including without limitation, the Uniform Housing Code, Building Code, Fire Code, and all other provisions of the Municipal Code. (Ord. 5083 § 2, 2019.)

## **17.212.080 Right of inspection.**

A. The City shall conduct regular inspections of all businesses subject to the regulations specified in this chapter. The City Manager or designee is authorized to allow the acceptance of satisfactory ratings conferred by recognized, independent agencies in lieu of a City inspection, provided that the independent inspection is based upon performance and facility standards equal to or in excess of the standards set forth in this chapter.

B. The officials responsible for enforcement of the El Cajon Municipal Code or other ordinances of the city or their duly authorized representatives may enter on any site or into any structure open to the public for the purpose of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this ordinance or whenever necessary to the investigation of violations to the conditions of approval, operational standards, or deemed approved performance standards prescribed in these regulations.

C. Upon a showing of probable cause by the officials responsible for enforcement of the El Cajon Municipal Code, the officials responsible for enforcement shall request of the owner or agent and the occupant, permission to inspect the rooms and facilities, and/or the production of guest registers and other records necessary to determine compliance with all applicable regulations, including, but not limited to, building, fire, health, occupancy, and zoning codes, and to verify collection and payment to the City of all taxes owed.

D. If an owner, occupant or agent refuses permission to enter, inspect or investigate, premises, including guest registers, which are not open to the public, the officials or their representatives may seek an inspection warrant under the provisions of California [Code of Civil Procedure](#) section 1822.50 et seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution. (Ord. 5083 § 2, 2019.)

## **17.212.090 Violation of Performance Standards.**

As a result of an inspection or upon the city's receipt of a complaint from the public, police department, city official or any other interested person that a deemed approved lodging establishment activity is in violation of the operational standards set forth in this chapter, the following procedure shall be followed:

A. An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with operational standards and/or conditions of approval.

B. If the enforcement officer determines that the activity is in violation of the operational standards, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation under the city's administrative citation procedures contained in Chapter [1.14](#) of this code. The first notice of violation shall be given in accordance with section [1.14.040](#) of this code. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may, in lieu of following the administrative citation procedure, refer the matter directly to the planning commission for a hearing at which the establishment's deemed approved status may be suspended, modified or revoked.

C. Any administrative citation issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of Chapter [1.14](#) of this code, unless otherwise expressly provided by this chapter. If the owner or operator receiving an administrative citation contests the citation and a hearing is held pursuant to Chapter [1.14](#), the hearing officer may, in addition to exercising all powers designated in Chapter [1.14](#), make a recommendation to the planning commission to suspend, modify or revoke the establishment's deemed approved status if in the judgment of the hearing officer, based upon information then before him or her, such action is necessary to ensure compliance with this chapter.

D. If a hearing before the planning commission is conducted on a potential violation in the manner prescribed in this chapter, it shall determine whether the activity is in compliance with the operational standards. Based on this determination, the planning commission may suspend, modify or revoke the activity's deemed approved status. In reaching a determination as to whether a use has violated the operational standards, or as to the appropriateness of suspending, modifying, or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the planning commission may consider the following:

1. The length of time the activity has been out of compliance with the operational standards.
2. The impact of the violation of the operational standards on the community.
3. Any information regarding efforts to remedy the violation of the operational standards.

E. "Efforts to Remedy" shall include, but are not limited to:

1. Timely calls to the police department that are placed by the owner or operator of the establishment, or by his or her employees or agents.

2. Requesting that those persons engaging in activities causing violations of the operational standards and/or conditions of approval cease those activities, unless the owner or operator of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.
3. Making improvements to the establishment's property or operations to address performance standards.

F. If in the judgment of the planning commission, the operations of the owner or operator of the establishment constitute a nuisance, the owner or operator is unable or unwilling to abate the nuisance, and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the planning commission may suspend, modify, or revoke the activity's deemed approved status. All determinations, decisions, and conditions made or imposed regarding the use of an activity shall run with the land.

G. The decision of the planning commission shall be final and conclusive, unless appealed in writing to the city council within 10 days of planning commission action.

H. At any time during a violation proceeding or after revocation of a lodging establishment's deemed approved status, the property owner or an applicant with the property owner's consent may apply for a conditional use permit. (Ord. 5083 § 2, 2019.)

### **17.212.100 Public hearing by planning commission.**

The planning commission may conduct public hearings and make determinations on whether lodging establishments are in compliance with conditions of approval or deemed approved performance standards prescribed in these regulations, and may modify, suspend, or revoke an establishment's conditional use permit or deemed approved status in order to obtain the compliance of the particular establishment with the provisions of this chapter. This section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies in the field of monitoring and ensuring the harmony of lodging establishment activities in the city. The planning commission shall have the powers and duties assigned to them by the El Cajon Municipal Code and by this chapter. (Ord. 5083 § 2, 2019.)

### **17.212.110 Grounds for deemed approved status suspension, revocation or termination.**

A lodging establishment's deemed approved status may be suspended, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Chapter 17.25 for failure to comply with the performance standards set forth in section 17.212.070. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing. (Ord. 5083 § 2, 2019.)

### **17.212.120 Deemed approved status revocation.**

Upon revocation of a lodging establishment's deemed approved status, the planning commission may choose to impose additional conditions of approval on the use of the establishment, or may proceed to revoke the conditional use permit in accordance with section 17.35.030. Upon revocation of a lodging establishment's deemed approved status, the lodging establishment activity must cease any and all lodging establishment activity until the property owner has applied for and received approval of a conditional use permit. (Ord. 5083 § 2, 2019.)

### **17.212.130 Appeal from suspension, modification or revocation of deemed approved status.**

Any applicant or other person aggrieved by a decision of the planning commission to suspend, modify or revoke a lodging establishment's deemed approved status or conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Chapter [17.30](#) of this code. (Ord. 5083 § 2, 2019.)

### **17.212.140 Notification to owners of lodging establishments conducting deemed approved activities.**

The City shall notify the owner and/or operator of a lodging establishment of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested to the address shown on the city business license and any property owner at the address shown on the county assessor's property tax assessment records and shall include a copy of the performance standards in this chapter. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity. (Ord. 5083 § 2, 2019.)

### **17.212.150 Violations and Penalties.**

- A. Any person violating any of the provisions of this chapter or who causes or permits another person to violate any provision of this chapter may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in section [1.24.010](#) of this code.
- B. In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.
- C. Nothing in this chapter shall be construed to prevent the city of El Cajon from pursuing any and all other legal remedies that may be available, including, but not limited to, civil actions filed by the city attorney seeking any and all appropriate relief such as civil injunctions and penalties. (Ord. 5083 § 2, 2019.)

### **17.212.160 Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases may be declared invalid. (Ord. 5083 § 2, 2019.)

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## **Contact:**

City Clerk: 619-441-1764

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